

REMARKS

Claims 1-9 and 12-19 are pending in this application. By this Amendment, claims 1, 3 and 13 are amended, and claims 18 and 19 are added. Claims 10 and 11 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Support for the amendments and new claims can be found, for example, in the specification and claims as originally filed (see page 3, lines 7-8; page 4, lines 15-18; page 11, line 21 to page 12, line 6; and claim 11). No new matter is added.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the claims are respectfully requested.

I. Rejection Under 35 U.S.C. §112

The Office Action rejects claims 9-11 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Claim 10 is canceled, rendering the rejection moot as to that claim. As to the remaining claims, this rejection is respectfully traversed.

A. Claim 9

Claim 9 recites, *inter alia*, "wherein the label...emits, when it is subjected to chemical or photochemical ionization, a signal with an intensity at least 5 times greater than that emitted by the same probe not associated with said label." The Office Action asserts that the specification indicated that the only instant for that occurring is by mass spectrometry.

Applicants respectfully disagree. The specification as filed recites that: "...each probe can have a labeling system...the characterization of a compound having two different labels in its structure makes it possible to rapidly identify the nature of the two probes...As regards the analytical method selected, it can be any conventional analytical method...by mass spectrometry, by nuclear magnetic resonance (NMR), by Infrared, by UltraViolet, by fluorescence, by X-rays or by the electrochemical route or else coming under a coupling of at

least two of these analytical methods (specification, page 9, lines 6 to 27) (emphasis added).

Thus, it is respectfully asserted that the specification, as filed, contains sufficient information regarding the subject matter of claim 9 as to enable one skilled in the pertinent art to make and use the invention recited in claim 9 (MPEP §2164.01). More specifically, mass spectroscopy is simply one single detecting embodiment of the method recited in claim 9 (specification, page 9, lines 29-33).

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Claim 11

The Office Action asserts that the specification as filed does not adequately address the problem of whether the label affects the reaction by preventing it or enhancing it. Applicants respectfully disagree.

As disclosed in the specification as filed, "the probe-label complex emits only a single signal of high intensity" which will be specific to the probe-label complex and "results in a considerable simplification in the analysis of a reaction medium" (specification, page 13, lines 3-8). As to the intensity, the intensity of the emitted signal with a probe-label complex is greater (5 to 7 times) than that of the signal emitted by the same probe without such a label (specification, page 10, line 35 to page 11, line 2). In addition, the label used for the method is selected or chosen for its inertia during the catalytic test (specification, page 10, lines 26-28). As a result, such a labeling system does not interfere in any way on the reaction conversion, as described by the specification.

In view of the above, it is respectfully asserted that the specification, as filed, contains sufficient information regarding the subject matter of claim 11 as to enable one skilled in the pertinent art to make and use the invention recited in claim 11, and understand that the

labeling system does not affect the reaction, in the manner suggested by the Office Action (MPEP §2164.01).

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejections Under 35 U.S.C. §102

A. Kibby

The Office Action rejects claim 3 under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2002/0182735 to Kibby et al. ("Kibby"). This rejection is respectfully traversed.

Without conceding to the propriety of the rejection, and in the interest of obtaining allowance, claim 3 is amended to incorporate the subject matter of non-rejected claim 11. Accordingly, the rejection is overcome and should be withdrawn. Reconsideration and allowance of the claim are respectfully requested.

B. Tagge

The Office Action rejects claims 1-3, 6-8, 14 and 17 under 35 U.S.C. §102(b) over U.S. Patent No. 6,602,714 to Tagge et al. ("Tagge"). This rejection is respectfully traversed.

Without conceding to the propriety of the rejection, and in the interest of obtaining allowance, independent claims 1 and 3 are amended to incorporate the subject matter of non-rejected claim 11. Accordingly, the rejection is overcome and should be withdrawn. Reconsideration and allowance of the claims are respectfully requested.

III. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 4, 5, 12, 13, 15 and 16 under 35 U.S.C. §103(a) over Tagge in view of U.S. Patent Application Publication No. 2004/0077096 to Nayar et al. ("Nayar"). This rejection is respectfully traversed.

Without conceding to the propriety of the rejection, and in the interest of obtaining allowance, claim 1, from which claims 4, 5, 12, 13, 15 and 16 variously depend, is amended to incorporate the subject matter of non-rejected claim 11. Accordingly, the rejection is overcome and should be withdrawn. Reconsideration and allowance of the claims are respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Sarah Lhynn
Registration No. 65,041

WPB:SQL/jth

Attachment:

Petition for Extension of Time

Date: July 6, 2010

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461
